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In re Application of
ARNOLD-HUYSER *et al*
U.S. Application No.: 10/532,025
PCT No.: PCT/US2003/033242
Int. Filing Date: 20 October 2003
Priority Date: 21 October 2002
Attorney Docket No.: 026032-4899
For: POINT-OF-INTEREST DISPLAY
SYSTEM

DECISION

This decision is in response to applicants' "Renewed Petition Under 37 C.F.R. 1.47" filed 16 October 2006.

BACKGROUND

On 08 June 2006, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants failed to satisfy item (2) of 37 CFR 1.47(a). There was no evidence showing that a complete copy of the subject application was received by the nonsigning inventor. Applicants were given two months to respond.

On 16 October 2006, applicants filed a renewed petition which was accompanied by, *inter alia*, an affidavit of Jodi A. Hemmeke; a three-month extension and fee; and exhibits A-H.

DISCUSSION

As noted in the prior decision, to show a refusal to cooperate, section 409.03(d) of the MPEP **requires** petitioners to demonstrate that a complete copy of the patent application was received by the nonsigning inventor, or that the nonsigning inventor refused to accept delivery.

In the renewed petition, applicants submitted further evidence in the form of an affidavit of Ms. Hemmeke, an Administrative Assistant at Johnson Controls Interiors LLC and documentary evidence in exhibits A-H. However, a review of the evidence shows that petitioners have again **failed to demonstrate** that Mr. Bambini received a complete copy of the subject application. As such, item (2) of 37 CFR 1.47(a) is still not satisfied.

10/532,025

Exhibits E and H show only that a copy of an assignment and declaration were submitted to the nonsigning inventor. The reference in paragraph three of her affidavit by Ms. Hemmeke that each of the inventor has "been contacted to review the aforementioned patent application" is **not** sufficient.

If Mr. Bambini received a copy of the subject application, then evidence to that effect must exist. A copy of the email or letter showing that a complete copy of the subject application was sent to Mr. Bambini would be sufficient to meet this requirement. Similarly, petitioners may satisfy this requirement by attempting to deliver a copy of the subject application, but delivery was refused.

CONCLUSION

For the reason discussed above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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